



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2022-0108; Airspace Docket No. 22-AAL-5]

RIN 2120-AA66

### Revocation of Colored Federal airway Blue 5 (B-5); Point Hope, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final Rule.

**SUMMARY:** This action revokes Colored Federal airway Blue 5 (B-5) in the vicinity of Point Hope, AK due to the pending decommissioning of the Point Hope, AK, (PHO) Non-directional Beacon (NDB).

**DATES:** Effective date 0901 UTC, September 8, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/).

For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:** Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

### SUPPLEMENTARY INFORMATION:

#### Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route to preserve the safe and efficient flow of air traffic within the National Airspace System.

## **History**

The FAA published a notice of proposed rulemaking for Docket No. FAA-2022-0108 in the *Federal Register* (87 FR 10995; February 28, 2022), revoking Colored Federal airway B-5 in the vicinity of Point Hope, AK due to the pending decommissioning of the Point Hope, AK, (PHO) NDB. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. There were no comments received.

The Area Navigation (RNAV) T-route, T-366, will overlay the existing B-5 airway and have the same lower minimum enroute altitude. T-366 will be established and charted with a publication date coinciding with the B-5 revocation of September 8, 2022.

Colored Federal airways are published in paragraph 6009(d) of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document will be removed subsequently from FAA Order JO 7400.11.

## **Differences from the NPRM**

Subsequent to the notice of proposed rulemaking for Docket No. FAA-2022-0108 in the *Federal Register* (87 FR 10995; February 28, 2022), revoking Colored Federal airway B-5 in the vicinity of Point Hope, AK, an FAA study revealed that aircraft have not been able to fly B-5 because the Point Hope, AK, (PHO) NDB has not been operational for several years. Further, a

radar traffic study of the Colored Federal airway B-5 annual usage verified that no non-Global Positioning System (GPS) equipped aircraft have used B-5. The airway is essentially abandoned. Additionally, the operator of the Point Hope NDB, has no intention of restoring the NDB site since it is already approved for decommissioning. Based on this information, this action revokes the Colored Federal airway B-5 in its entirety.

### **Availability and Summary of Documents for Incorporation by Reference**

This amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the ADDRESSES section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### **The Rule**

This action amends 14 CFR part 71 by revoking Colored Federal airway B-5. B-5 currently navigates between the Cape Lisburne, AK, (LUR) NDB and the Point Hope, AK, (PHO) Non-directional Beacon (NDB). This action revokes the Colored Federal airway B-5 in its entirety.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

## **Regulatory Notices and Analyses**

The FAA determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## **Environmental Review**

The FAA determined that this airspace action of revoking Colored Federal airway Blue-5 (B-5) in the vicinity of Point Hope, AK qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5-6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitudes, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has

determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

### **The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### **PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

### **§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

### **Paragraph 6009(d) Colored Federal Airway**

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**B-5 [Removed]**

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Issued in Washington, DC, on July 5, 2022.

Scott M. Rosenbloom,  
Manager, Airspace Rules and Regulations.

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